

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

IN RE: SOUTHEASTERN MILK
 ANTITRUST LITIGATION

Master File No. 2:08-MD-01000

REPORT AND RECOMMENDATION

Jonathan Lee Riches, a federal prisoner at FCI Williamsburg in Salters, South Carolina, has filed a “Motion For Reconsideration & Clarification ; Motion to Intervene as Plaintiff under Fed R.Civ P rule (sic) 24(a); & Motion To Amend Complaint. (Doc. 113).

This federal prisoner asks to intervene in this antitrust litigation, reciting that (1) he has an “interest in this litigation to support plaintiffs’ claims;” (2) “defendants’ violated laws;” (3) his “intervention brings questions of laws and facts that are common in this action;” and (4) he has “information the courts and lawyers need to know.”

Mr. Riches’ motion not merely spurious, it is outrageous. But for the fact that it would be an act of futility and a further waste of the court’s time, Mr. Riches should be sanctioned for filing the motion.

It is respectfully recommended that Mr. Riches' motions be DENIED¹. ²

Respectfully submitted,

s/ Dennis H. Inman
United States Magistrate Judge

¹There is a split of authority regarding whether motions to intervene should be treated as dispositive or non-dispositive for purposes of 28 U.S.C. § 636. Out of an abundance of caution, the magistrate judge has opted for a report and recommendation.

²Any objections to this report and recommendation must be filed within ten (10) days of its service or further appeal will be waived. 28 U.S.C. § 636(b)(1)(B) and (C). *United States v. Walters*, 638 F.2d 947-950 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).